

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAI KANG,

Plaintiff,

-against-

CITIBANK,

Defendant.

20-CV-6898 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff Kai Kang filed this action *pro se* and seeks leave to proceed *in forma pauperis* (IFP). On August 27, 2020, the Court directed Plaintiff, within thirty days, to submit an amended IFP application or pay the \$400.00 in filing fees, and specified that failure to comply would result in dismissal of the complaint. In that order, the Court noted that the responses in the IFP application do not establish that Plaintiff is unable to pay the filing fees.

Shortly thereafter, on August 31, 2020, Plaintiff filed an amended IFP application. (ECF No. 5.) Plaintiff states that he has no present sources of income, but when he last worked, on March 31, 2016, he earned \$9,500 per month. The amended IFP application shows that Plaintiff pays \$218 per in week child support, and \$25 per month “(suspended)” for cell phone service. When asked how he pays these and other living expenses, Plaintiff states that he lives “100% . . . from his own savings.” Yet he indicates that he does “not know value” of his brokerage account and that he has “\$0.00” in cash in any checking or savings account. (ECF 5 at 2.)

The Court holds that the amended IFP application does not remedy the deficiencies in the original IFP application. Because Plaintiff fails to fully disclose his financial information, the Court cannot determine whether he qualifies for IFP status. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: September 16, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge